

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Streamlining Broadcast EEO
Rules and Policies, Vacating the
EEO Forfeiture Policy Statement
and Amending Section 1.80 of the
Commission's Rules to Include
EEO Forfeiture Guidelines

MM Docket No. 96-16

RECEIVED

AUG 5 1996

TO THE COMMISSION

DOCKET FILE COPY ORIGINAL

**FURTHER MOTION FOR EXTENSION OF TIME,
AND FOR WAIVER OF FILING DEADLINE**

The Minority Media and Telecommunications Council, on its own behalf and on behalf of twenty other national organizations it represents in the above-referenced proceeding, respectfully requests a waiver of the filing deadline for its Comments, and requests an extension of the reply comment deadline.^{1/}

MMTC appreciates that parties must submit exceedingly persuasive justifications for late filings. MMTC's Comments are late for three extraordinary reasons.

First, due to the press of other work or due to client conflicts, we have lost the services of five of the eight attorneys who had originally intended to work on the matter as authors or editors.^{2/} We are left with the undersigned as sole author and two other attorneys as editors of the Comments.

^{1/} On this date, Dr. Everett Parker, a member of MMTC's Board of Directors, is filing a Comment in this proceeding. Dr. Parker's lifetime work led to the creation and development of the EEO Rule. MMTC requests that Dr. Parker's Comment be covered by this Request.

^{2/} Our most critical loss was the unanticipated departure of MMTC's only staff attorney for a job at the Wireless Bureau last month.

0411

Second, our statistician, Dr. Andrew Cherry, Professor of Social Work at Barry University, lost two hard drives and was "down" for a week in connection with the largest of the three statistical studies which undergird our comments.^{3/} Although MMTC has completed a first draft of its legal analysis (in excess of 200 pages), MMTC cannot complete that analysis without first knowing the outcome of the empirical research.

Third, the task of bringing twenty organizations on board the same set of comments, and obtaining consensus from each of them on the arguments to be made, proved exceptionally difficult and draining of staff time.^{4/}

MMTC is almost never late with FCC filings, but in this instance, everything which could have gone wrong has gone wrong.^{5/} Realistically, MMTC is still approximately two weeks away from completing its research and filing its comments, assuming that no

3/ The study is the first in the country to empirically evaluate the relationships among market and station size and demographic characteristics, EEO initiatives as reported on Form 396, and EEO success as evaluated from data given on Form 395. The raw data was collected for 212 stations in Tennessee -- a task which consumed three weeks of fulltime work by MMTC's three summer interns. So much data was gathered that it blew out both of Dr. Cherry's (and one of the undersigned's) hard drives. Moreover, Dr. Cherry encountered difficulty in assigning the correct values to five of the 38 variables he is studying. Those difficulties were solved this morning and we are now close to completion of the study.

4/ See Streamlined Procedures for Rulemaking Procedures Implementing the Telecommunications Act of 1996, 11 FCC Rcd 5372 (1996) (the Commission "encourages parties who share positions in various proceedings to file joint comments" to "focus the issues for the Commission.")

5/ As noted in MMTC's June 20, 1996 "Request for Further Extension of Time," MMTC had to conduct its study with only three researchers, rather than the six who had initially committed themselves to the project.

further major difficulties present themselves (e.g., no more hard drives blow up.)^{6/}

MMTC is in the unenviable position of having to complete a very extensive set of comments and almost simultaneously prepare reply comments. Moreover, MMTC is also faced with the task of preparing its section of the Market Entry Barriers Proceeding comments it is filing jointly with the Office of Communication of the United Church of Christ later this month.

MMTC's Comments in this proceeding will be exceptionally valuable: it will be the only filing to comprehensively examine all of the elements of the FCC's EEO enforcement program, and it will be the only filing accompanied by extensive empirical research. Since it would be useful to the Commission if other parties had an opportunity to file reply comments responsive to it, a modest extension of the reply comment deadline would also be appropriate.

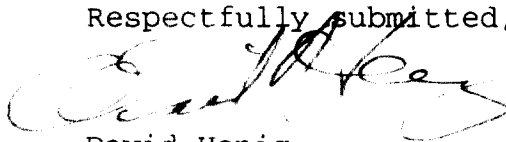
In light of the foregoing, MMTC asks that its Comments be considered as comments although they will be untimely filed, and that the reply comment date be extended somewhat. In this regard, MMTC notes that the comments filed by other parties in this proceeding, mostly in opposition to strengthened EEO enforcement, are unexpectedly voluminous (almost four inches thick), and, in many instances, raise complex constitutional arguments not anticipated by the NPRM. Even absent MMTC's difficulties in

^{6/} Honestly, another difficulty has just arisen. The undersigned is about to lose three or four more days, owing to the need to attend to a sudden and terminal illness of a member of his immediate family.

assembling its filing, additional time would probably be required by civil rights advocates to digest and respond to these extensive filings.

Consequently, MMTC respectfully requests that its Comments, to be filed within a reasonable time, be considered albeit their untimeliness, and that the reply comment date be extended appropriately.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Honig", is written over the typed name.

David Honig
Executive Director
Minority Media and
Telecommunications Council
3636 16th Street N.W.
Suite AG-58
Washington, D.C. 20010
(202) 332-7005

August 5, 1996